

**LOCKPORT PLANNING AND ZONING BOARD**  
**LOCKPORT, NEW YORK**  
**APRIL 6, 2026**

**PRESENT:** JEFF TRACY, CHAIRMAN, ROBERT BRAGG, TRACY FARRELL, MARSHALL ROTH, JOHN TAYLOR, LARRY BOUCHARD, JASON DOOL, CHIEF BUILDING INSPECTOR, DAMON DECASTRO, DEPUTY CORPORATION COUNSEL.

**EXCUSED:** ASHLEY PIETRZYKOWSKI

The meeting of the Lockport Planning Board was called to order at 5:00 P.M. at the Lockport Municipal Building, One Locks Plaza, Lockport, New York.

1. Bell Atlantic Mobile Systems. 485 East Avenue (City right-of-way). Request to install a micro cell wireless telecommunication facility on the telephone pole situated in a Low Density Residential Zone.

Ms. Laura Smith, Nixon Peabody, LLP and Will Grover, Pyramid were present to represent the request.

Ms. Smith said that they are looking to install a small cell facility on the existing pole in the City right-of-way in front of 485 East Avenue. She said that is next to the former hospital and will be attached to the existing pole. She said that it is a small cell facility to fix service deficiencies in the area.

Ms. Smith said she would like to bring to the Board's attention exhibit E on pages 17 & 18. She said that in the red circle that is the search range they were looking to attach to a utility pole. She said that in and around 485 East Avenue that is an area that has low and weak coverage. The area with no color has weak coverage and the areas that are orange have no coverage.

Ms. Smith said that page 18, shows with the small cell location a good amount of coverage green is best and strong along 31 and it will pull some capacity off of East Avenue and Chestnut Ridge. She said that it will increase coverage along 31 and also the capacity will be drawn down from the east side of Lockport so that it frees up capacity.

Ms. Smith said that the site plan on exhibit G.

Commissioner Tracy asked what the dimensions of the facility are.

Ms. Smith said that it is small cell, exhibit G, page Z3 shows the equipment itself. She said that the lower end is 48” and the antenna above the street lamp is 32”

Ms. Farrell said that as this is in a residential neighborhood, can they verify that there is no health hazards with this.

Ms. Smith said that there are no health risks. She said that it is a radio signal that is weaker than a TV antenna. She said that it is a very low and weak signal. She said that is the reason that they need the micro cell here is because it is such a low and weak signal the cell coverage needs to jump from node to node. She said that the Telecommunication Act of 1996 preempted this area of the law. She said that it is on them to demonstrate that they have compliance with the FCC regulations. She said that is in exhibit N.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Marshall Roth made a motion to waive the reading of the SEQOR and to declare a negative impact. Seconded by Commissioner Bouchard.

Commissioner Bragg-yes  
Commissioner Tracy- yes  
Commission Taylor-yes  
Commissioner Farrell-yes  
Commissioner Roth-yes  
Commissioner Bouchard-yes

**NEG DEC DECLARED**

Commissioner Roth made a motion to approve the request to install a micro cell wireless telecommunication facility. Seconded by Commissioner Bouchard.

Commissioner Bragg-yes  
Commissioner Tracy- yes  
Commission Taylor-yes  
Commissioner Farrell-yes  
Commissioner Roth-yes  
Commissioner Bouchard-yes

**APPROVED**

2. Win Latt Chit & Eain Thiri Aung. 101 Park Lane Circle. Request for a Special Use Permit to operate a short term rental situated in a Low Density Residential Zone.

Mr. Chit stated that he is the owner of the house. He said that he is requesting a permit to operate a short term rental. He said that he will make sure the property is well maintained at all times. He said that the halls will have smoke and CO detectors and fire safety

equipment will be installed. He said that he respects the neighborhood and will not allow large parties or gatherings. He said that there is ample off street parking, no parking on the street. He said that he will be available to respond if there is any issues. He said that his goal is to operate this responsibly. He said that he will comply with the City regulations and be respectful to the neighborhood.

Commissioner Bouchard asked if he had a tax ID number for the business.

Mr. Chit said that he has a sales tax number.

Ms. Aung asked if they were talking about the property tax.

Commissioner Tracy explained that the Zoning Ordinance has regulations, some of which were already mentioned like smoke and CO detectors and fire extinguishers. He said that one of the requirements is proof of registration with Niagara County of collecting County bed tax. He asked if Mr. Chit and Ms. Aung have that information yet.

Mr. Chit said that he is the sushi chef so he just has the tax for that.

Jason Dool explained that there two separate things. He said the ability to collect sales tax and the ability to pay the bed tax at the City level.

Commissioner Tracy said that they need to be approved by the State to collect sales tax and that can be done by either a DBA or.

Commissioner Farrell interjected and stated that they would have to apply to the NYS Department of Taxation and Finance.

Mr. Chit asked if he needs to apply for that now.

Commissioner Tracy said yes, because they are going to be earning money so they have to pay some tax. He said that they need a tax ID number.

Commissioner Tracy said that they can table their request until next month so that they can they can research that part of requirement to make sure they are in compliance with the regulations.

Mr. Chit asked if his translator can come up.

Commissioner Tracy said yes.

Mr. Ye Aung, 23 Condon Ave, Buffalo, stated that they would like to table the request until the next meeting.

Commissioner Roth made a motion to table the request. Seconded by Commissioner Bragg.

Commissioner Bragg-yes

Commissioner Tracy- yes  
Commission Taylor-yes  
Commissioner Farrell-yes  
Commissioner Roth-yes  
Commissioner Bouchard-yes

**TABLED**

(3) Thomas Lupo. 184 Green Street. Request for a minor site plan review to erect a 24' x 32' detached garage situated in a Mixed Residential Zone.

Mr. Lupo said that he took a neighbor eye sore and is trying to turn it around. He said that he is going to move into the property that is why he wants the garage. He said that he had a demolition permit to take down the garage that was there.

Mr. Lupo said that this going to be his home when he sells his house on Bob-O-link. He said that there is a drainage issue there now, it is really high and dry. He said that he plans on taking all of the gutters from the house and trenching them and picking up the gutter from the garage and taking it to the rear of the property. He said that there is a rail line behind the house. He said that he plans on putting a spot light on the back of the house with a Ring camera. He said that in eves he is going to put downcast blade lights and over the door have an old fashioned hoop with a big bell.

Mr. Lupo said that most of the lighting will be downcast. He said that the only one that will not be is the one that faces the rail line and that one will have a camera on it.

Mr. Lupo said that all the gutters will be picked up and taken to a central location. He said that his going to put in a weir with a French drain in the back corner of the property.

Mr. Lupo said that the house is 67' long and 17' wide. He said that he plans on draining all the water to the rear of the property as well as the sump pump that is going to be installed. He said that this is going to be his home. He said that he plans on spending his winters somewhere warm and he wants a safe place for his vehicles when he leaves. He said there will also be a second garage door that goes to the rear of the property for access because of the shared driveway.

Mr. Lupo said that the house next door is very close to this house. He said that he just found out last night that there used to be a Tick Tok of the crack activity that used to go on at this house. He said that he is trying to take a neighborhood scourge out and make it his home.

Commissioner Bragg said that looking at the drawings, no gutters are shown.

Mr. Lupo said that the do not show on the drawings because they have someone else that does the gutters. He said that he has a contract with them. He said that in the future he wants to put a metal roof on the house. He said that when he gets the metal roof on the house, because of way metal roofs shed water a lot faster, he is going to installed oversized gutters. He said that he is not using the standard 3" gutters, he said they will be

4" to 6" to carry the rainwater away from the front of the house. He said that right now the one gutter drains into the driveway and runs down into the sidewalk. He said that the sidewalk rivals the rink and Willow Park.

Mr. Lupo said that the house looks horrible right now. He said that when he is done, it will look great.

Commissioner Bragg asked if the new structure is going to be wider than the house.

Mr. Lupo said yes, the elevation goes down. He said that he ran a string line from the back of house to a fence post in the back and it is a little over 36" of declination there going down toward the rail line.

Mr. Lupo said that the last garage was 20' x 24' and it had opossums and cats in it. He said that he is pretty sure someone was sleeping in the garage last winter. He said that he repaired the fence already. He said that he is trying to clean up the neighbor's house as well. He said that it is a shared driveway there.

Commissioner Bragg asked if it was his driveway that he is allowing someone to share.

Mr. Lupo said yes, there is an easement that goes back to 1941. He said that he give up 6' of use because she only has 3' that is actually her property. He said that he is kind of constrained the entire length of the house. He said that he thinks the driveway agreement goes all the way back to the fence.

He said that is why he wants to build the new one on the left side of the property. He said that the fire stop is going to be on the east side.

Commissioner Bragg said with the drainage, 24' x 32' is pretty big. He asked if making the garage smaller would help that situation.

Mr. Lupo said that he is fixing up a house that was basically a rooming house. He said that there were three bedrooms and each bedroom had hasps and locks. He said that he found crack pipes, three baggies of heroin and three bins or assorted drugs that he had to take to the Police Department. He said that he worked for the City for 30 years, he was an Assistant Chief for the Fire Department. He said that he knows what is going on. He said that he figures that if he is going to stabilize the neighborhood, he is going to have what he wants.

Commissioner Tracy asked what color the building is going to be.

Mr. Lupo said green, it is on Green Street. He said that it will have a black roof and black trim and gutters. He said the only thing that won't be black are the blade lights that go under the eaves. He said that the doors will be white. He said that it is going to look clean. He said that when he is done, the house will match.

The meeting was open to the public.

The meeting was closed to the public.

There being nothing further Commissioner Bragg made a motion to approve the request to erect a 24' x 32' detached garage. Seconded by Commissioner Roth.

Commissioner Bragg-yes  
Commissioner Tracy- yes  
Commission Taylor-yes  
Commissioner Farrell-yes  
Commissioner Roth-yes  
Commissioner Bouchard-yes

### **APPROVED**

(4) Lockport Town & Country Club. 80 Lakeview Parkway & 717 East Avenue. Request for site plan approval to modify the configuration of two holes to install a driving range and a 24' x 24' garage situated in an Open Space Zone.

Mr. Rowland O'Malley, General Manager for LTCC was present to represent the project.

Mr. O'Malley stated that LTCC purchased 80 Lakeview Parkway a 1.75 acre lot that they would like to build a driving range. He said that they are going to configure a hole that is already there. He said that up on the west end of that, they would like to construct a building to keep golf balls and a range picker. Mr. O'Malley said that it will be all green space besides the building.

Commissioner Bragg asked if they are going install a fence.

Mr. O'Malley said that they will install some netting to block off from hole 16. He said that they left a buffer of trees. He said that the way this is designed, mostly everything is going to be going in the other direction. He said that it will be heading west so there will be a bank of a hill that you can't get up. He said that they are going to leave the hill there.

Commissioner Tracy asked if they are going to install any lighting.

Mr. O'Malley said that they are going to put the poles in for the netting and run electrical but he is not sure if they are going to install any lighting. He said that there will be a light on the building.

Commissioner Tracy asked what the hours of operation are going to be for the range.

Mr. O'Malley said 7am to 7 or 8 pm.

Commissioner Tracy asked when the machines that are picking up the balls are going to operate. He asked if they would operate on the same timeline and the mowers and things.

Mr. O'Malley said that it would run as needed, mostly during the day.

Commissioner Bragg said that he suggests that if they install lighting, it is downward facing.

The meeting was opened to the public.

Mr. Jay Krull, 71 & 73 Lakeview Parkway, said that he has concerns. He said they were told that the adjoining properties would be notified about any changes that happen. He said they were told that the destruction of the trees and everything was completely within their rights. He said that before the election, they reached out various Alderman. He said that Alderman Lupo was helpful. He said that the 1<sup>st</sup> ward Alderman has been contacted and has been no help and has not gotten back to him. He said that he has had several conversations with John Lombardi about this trying to find out what the plan is. He said that he has had a conversation with Rol on the phone about it and he gave me the good neighbor thing.

Mr. Krull said that they want to know what they are going to do because they have concerns. He said that they already get golf balls on their property and now there are going to be more. He said that with all of the trees gone, the noise from the mowers is even worse than it was before. He said early in the morning, they are being woken up by the equipment. He said that without all those trees, it is ten times worse.

Mr. Krull said that he has concerns with the lighting.

Mr. Krull said that he doesn't understand the zoning thing, it is currently zoned residential. He said that for them to be able to put up a 24' x 24' garage on it concerns them. He said that they have concerns if there is going to be access from Lakeview Parkway because of the neighborhood. He said that none of these things have been addressed with them. He said there has been no outreach with so them what the plans are.

Mr. Krull said that he thinks that before anything is approved, the people in the neighborhood that are going to be affected should get some visualization of it and some say in it.

Megan Brewer explained to Mr. Krull that the City does not have an obligation to notify the neighbors individually for site plan approval. She explained that all of the applications and packages are on the City's website.

Commissioner Tracy asked Mr. O'Malley to respond to some of Mr. Krull's concerns.

Mr. O'Malley said that they took down the trees that were junk and cleaned up the land. He said that they are going to turn it into green space. He said that they left a buffer of trees. He said that he told the excavation company to leave a buffer of trees all the way around there. He said how golf balls ever make it to your property from where LTCC is he can't understand. He said that none of the golf balls go that way on the course now so how someone could go into his property he doesn't understand.

Mr. O'Malley said that they are building a fairway and moving a fairway for number 16.

Mr. Krull said that Mr. O'Malley keeps saying number 16, why can't you just show us a drawing of what you are doing.

Mr. O'Malley said that there is a drawing right there.

Mr. Krull asked why he couldn't show it to him 8 months ago when he asked.

Commissioner Tracy said that we are not going to argue. He said that we have the map right here if you want to take a peek at it.

Mr. Krull said asked how they are changing the zoning of the property.

Megan Brewer explained that the zoning of that parcel is Open Space.

Mr. O'Malley explains the site map to Mr. Krull.

Mr. O'Malley said that are not planning on putting in lighting right now. If they do, it will be down facing.

Mr. Krull asked about access the golf course from Lakeview.

Mr. O'Malley said that he may have to access the land from there to fix something but it's not going to be used. He said that if it makes him feel better he can put a fence up and you can have a key.

Mr. Krull asked if he and Mr. O'Malley can sit and talk about this some more so that he knows what is going on.

Mr. O'Malley said that he can come to his office, he is there all the time.

Mr. Krull said that what he is say is that right now, there are not lights.

Mr. O'Malley said there are no lights right now.

Mr. Krull asked if there is going to be any more of a buffer.

Mr. O'Malley said that they left all of those trees up there.

Mr. Krull asked if it is going to close at 8 pm.

Mr. O'Malley said 8 ish. He said when it gets dark. He said that they usually try and shut down around 8 o'clock.

Mr. Krull asked if they want to put lights in, would they have to come back for further approval or can they do it after the fact.

Commissioner Bragg said they may have to come back.

Mr. Krull said that the frustrating this is that he feels that he can't get any answers. He said that he feels like decisions are being done without anyone talking. He said that if he had seen that drawing last year when he asked about this, it would have made him more comfortable seeing what was going on down there. He said that if you have been down Lakeview Parkway, it was beautiful down there.

Commissioner Tracy said that we as a board get this paperwork when the application is filed.

The meeting is closed to the public.

There being nothing further Commissioner Roth made a motion to waive the reading of the SEQR and declare a negative impact. Seconded by Commissioner Bouchard.

Commissioner Bragg-yes  
Commissioner Tracy- yes  
Commission Taylor-yes  
Commissioner Farrell-yes  
Commissioner Roth-yes  
Commissioner Bouchard-yes

**NEG DEC DECLARED**

Commissioner Roth made a motion (with a suggestion by Commissioner Bragg) to approve the request to modify the configuration of two holes to install a driving range and a 24' x 24' garage with the stipulation that if lighting is installed it be downward facing and night sky compliant. Seconded by Commissioner Bouchard.

Commissioner Bragg-yes  
Commissioner Tracy- yes  
Commission Taylor-yes  
Commissioner Farrell-yes  
Commissioner Roth-yes  
Commissioner Bouchard-yes

**APPROVED**

(5) Harrison Development. 7 Ontario Street. Request for minor site plan approval to modify the exterior of the building situated in a Mixed Use Downtown Zone.

Michael Zimmerman was present from Harrison Development to represent the project.

Mr. Zimmerman stated that they are looking to modify the prior approval, specifically the brick rear portion. He said that this is a brick building and the portion in the rear was an addition, the garage portion. He said that originally it was the plan to keep the brick façade. He said that it was determined that it was structurally unstable and had to be demolished.

Mr. Zimmerman said that they are reframing and rebuilding that portion of the building. He said that they are looking to skim that with a black cement hardie board material. He said they are also looking to remove from the prior approval the strip that goes along the building between the first and second floor.

Mr. Zimmerman said that they would also like to amend from the prior approval the door trim, window trim finishes had varying colors. He said they would like to make all of them black.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Commissioner Roth made a motion to approve the request to modify the exterior of the building. Seconded by Commissioner Farrell.

Commissioner Bragg-yes  
Commissioner Tracy- yes  
Commission Taylor-yes  
Commissioner Farrell-yes  
Commissioner Roth-yes  
Commissioner Bouchard-yes

**APPROVED**

Commissioner Taylor made a motion to approve the minutes from the February 2, 2026 meeting. Seconded Commissioner Bouchard. Ayes-6 Noes-0.

Commissioner Roth made a motion to adjourn the meeting. Seconded by Commissioner Bragg. Ayes-6 Noes-0

**THE NEXT REGULARLY SCHEDULED MEETING WILL BE MAY 4, 2026. IF YOU CANNOT ATTEND, PLEASE CONTACT MEGAN AT 439-6754 OR [mbrewer@lockportny.gov](mailto:mbrewer@lockportny.gov).**